

and Drugs Act, on or about March 12, 1931, from the State of Pennsylvania into the State of New York, of a quantity of milk chocolate coating which was adulterated and misbranded. The article was labeled, imprint on cake) "Pennsylvania Chocolate Company Pittsburgh." and was invoiced "Golden Milk Chocolate Coating."

It was alleged in the information that the article was adulterated in that a product prepared with skim milk had been substituted for a product prepared with whole milk, which the article purported to be.

Misbranding was alleged for the reason that the article was a product containing skim milk, prepared in imitation of milk chocolate coating, and was offered for sale and sold under the distinctive name of another article, namely, milk chocolate coating.

On May 25, 1933, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court and a jury. The trial was completed on May 26, 1933, on which date the jury returned a verdict of guilty on both counts of the information and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21152. Adulteration of butter. U. S. v. Farmers Cooperative Creamery and Marketing Association. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29423. Sample no. 11003-A.)

This case was based on a shipment of butter that was deficient in milk fat.

On February 11, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Cooperative Creamery & Marketing Association, a corporation, Boone, Iowa, alleging shipment by said defendant company, in violation of the Food and Drugs Act, on or about May 14, 1932, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 5, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21153. Adulteration of apples. U. S. v. 272 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 30086. Sample no. 31252-A.)

This case involved a shipment of apples that were found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On March 7, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 272 boxes of apples at Missoula, Mont., alleging that the article had been shipped in interstate commerce, on or about February 17, 1933, by the Pacific Fruit & Produce Co., from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Combination Extra Fancy & Fancy Delicious * * * Bulls Eye Grower Shipper C. M. Lockwood Opportunity, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, in an amount which might have rendered it injurious to health.

On May 17, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21154. Misbranding of canned pears. U. S. v. 84 Cases and 19 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30094. Sample nos. 36095-A, 36096-A.)

This case involved an interstate shipment of canned pears which were water-packed, and which were not labeled to show that they fell below the standard for canned pears established by this Department.